

DETAILED ACTION

Claim Rejections – 35 USC § 103

The Examiner stated that claims 1-5, 8-10, 12-24, 28, 30-38, and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (U.S. Patent: 6,567,787) in view of Brockman et al (U.S. Patent: 5,826,240).

The Examiner stated that claims 6-7, 25-27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al in view of Brockman et al and further in view of Stuart et al (U.S. Patent: 6,868,154).

The Examiner stated that claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al in view of Brockman et al and further in view of Rtischev et al (U.S. Patent: 5,634,086).

The Examiner stated that claims 39 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al in view of Brockman et al and further in view of Blair (U.S. Patent: 7,203,285).

The Examiner stated that claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al in view of Brockman et al and further in view of Macleod Beck et al (U.S. Patent: 6,910,072).

The Examiner stated that claims 44-50, 52-54, 56-58, 62, 64, and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarano et al (U.S. Patent: 7,076,427) in view of Katz (WO 94/21084) (referenced in the parent application 09/785,048).

The Examiner stated that claims 51, 63, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarano et al in view of Katz and further in view of Eilbacher et al (U.S. Patent: 6,724,887).

The Examiner stated that claims 55 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarano et al in view of Katz and further in view of Macleod Beck (U.S. Patent: 6,910,072).

The Examiner stated that claims 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarano et al in view of Katz and further in view of McIllwaine et al (U.S. Patent: 6,324,282).

As stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicants respectfully submit, as will be detailed below, that Walker Brockman Scarano or Katz do not, either expressly or inherently, teach or suggest the limitations as recited in the amended independent claims 1, 23, 44, 68 and 69.

As set forth above in below, Applicant has complied with 37 CFR 1.111(b) in that the above-mentioned specific allegations that the claims define a patentable invention and specifically point out how the language of the claims distinguishes the claim elements from the references.

As stated in Cols. 7-9, lls. 45-15, of Walker “As described above, the present invention can provide a strong incentive for the operator of the POS terminal to speak an appropriate verbal message. ***The POS terminal records a phrase spoken by the operator during a transaction, or otherwise receives an audio signal that represents what was spoken by the operator.*** The POS terminal then determines whether the audio signal satisfies a predetermined criterion, such as whether the audio signal (and thus the spoken phrase) corresponds to a prompt that the operator was provided to read aloud to the customer. Accordingly, the POS terminal may advantageously employ speech recognition to determine what words the operator spoke. The POS terminal ***may also*** analyze and take into consideration ***other features of a verbal message, such as the average pitch, volume and time duration of the verbal message.*** The POS terminal provided in accordance with the present invention may also be used to record and determine what words were spoken by other parties such as customers. Such words and phrases may be stored and analyzed to extract desirable information therefrom. Those skilled in the art will appreciate that there are numerous ways to implement speech recognition for use with the present invention. For example, Voice Tools, offered by

Speech Solutions', Inc., is software that includes custom controls for Visual Basic, C, and C++ that allow dictation, voice control, and similar features to be added to programs using IBM's VoiceType Dictation System for Windows.TM.. Also, SRAPI (Speech Recognition Application Program Interface) is a cross-platform application programming interface for speech recognition and text-to-speech functions supported by a consortium of developers including Novell, IBM, Intel, Philips Dictation Systems, and other companies. Such an application programming interface allows programs including voice recognition to be developed. Such programs are capable of interpreting spoken words and phrases, and various steps may be dependent on which words or phrases were spoken." As indicated by the Examiner and pointed out by Applicant, Walker does not explicitly indicate that specific different required recognition thresholds are assigned to each prompt panel. Thus, *requiring static and variable ASR confidence scores that vary with regard to the script portion are not taught by Walker.*

Moreover, Applicant has reviewed the references thoroughly and found no reference to an automatic speech recognition component score. More specifically, Applicant has found absolutely no reference to *using a score evaluated against a static and a varying standard of the least one automatic speech recognition component.* Thus, Applicant has met the burden of 37 CFR 1.111.

However, purely in the interest of expediting the prosecution of the instant application, Applicant has amended independent claims 1, 23, 44, 68 and 69 include substantially the following limitations:

based on the logging, evaluating the at least one voice interaction via the at least one of the plurality of panels employing panel-by-panel playback with the assigned time displacement timestamp with at least one automatic speech recognition component adapted to analyze the at least one voice interaction; and

determining via confidence level thresholds of the least one automatic speech recognition component and obtained using a score evaluated against a static or

Appl. No. 10/670,126
Amdt. Dated 07/29/2009
Reply to Office Action of 04/29/2009

and a varying standard whether the at least one agent has adequately followed the at least one script by using the evaluated at least one voice interaction.

Support for these limitations can be found at least at pages 14 - 16 and is not found in the prior art references.

Conclusion

For the reasons set forth above, Applicant believes the independent claims, as well as the claims that depend from them, are in condition for allowance and respectfully requests they be passed to allowance.

Respectfully submitted,
WEST CORPORATION

Date: July 29, 2009

By: /Raffi Gostanian/
Raffi Gostanian
Reg. No. 42,595
Tel: (972) 849-1310